

FORM PTO-1390 (REV 11-98)	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTORNEY'S DOCKET NUMBER 117-319
<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371</b>		U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5) <b>09/646,568</b>
INTERNATIONAL APPLICATION NO. <b>PCT/GB99/00849</b>	INTERNATIONAL FILING DATE <b>18 March 1999</b>	PRIORITY DATE CLAIMED <b>20 March 1998</b>
TITLE OF INVENTION <b>DIAGNOSTICS AND VACCINES FOR MYCOBACTERIAL INFECTIONS OF ANIMALS AND HUMANS</b>		
APPLICANT(S) FOR DO/EO/US <b>HERMON-TAYLOR et al</b>		
<p>Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:</p> <p>1. <input type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.</p> <p>2. <input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.</p> <p>3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 34(1)).</p> <p>4. <input checked="" type="checkbox"/> A proper Demand for International Preliminary Examination was made by the 19<sup>th</sup> month from the earliest claimed priority date.</p> <p>5. A copy of the International Application as filed (35 U.S.C. 371(c)(2)).</p> <p>a. <input type="checkbox"/> is transmitted herewith (required only if not transmitted by the International Bureau).  b. <input checked="" type="checkbox"/> has been transmitted by the International Bureau.  c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</p> <p>6. <input type="checkbox"/> A translation of the International Application into English (35 U.S.C. 371(c)(2)).</p> <p>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>a. <input type="checkbox"/> are transmitted herewith (required only if not transmitted by the International Bureau).  b. <input type="checkbox"/> have been transmitted by the International Bureau.  c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has <b>NOT</b> expired.  d. <input type="checkbox"/> have not been made and will not be made.</p> <p>8. <input type="checkbox"/> A translation of the amendments to the claims under PCT Article 19 (U.S.C. 371(c)(3)).</p> <p>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p> <p><b>Items 11. To 16. Below concern document(s) or information included:</b></p> <p>11. <input type="checkbox"/> An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98.</p> <p>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. 3.28 and 3.31 is included.</p> <p>13. <input type="checkbox"/> A <b>FIRST</b> preliminary amendment.  <input type="checkbox"/> A <b>SECOND</b> or <b>SUBSEQUENT</b> preliminary amendment.</p> <p>14. <input type="checkbox"/> A substitute specification.</p> <p>15. <input type="checkbox"/> A change of power of attorney and/or address letter.</p> <p>16. <input type="checkbox"/> Other items or information.</p>		

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5)  
09/646,568INTERNATIONAL APPLICATION NO.  
PCT/GB99/00849ATTORNEY'S DOCKET NUMBER  
117-31917.  The following fees are submitted:

CALCULATIONS PTO USE ONLY

**BASIC NATIONAL FEE (37 C.F.R. 1.492(a)(1)-(5)):**

- Neither international preliminary examination fee (37 C.F.R. 1.482) nor international search fee (37 C.F.R. 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO ..... \$1000.00
- International preliminary examination fee (37 C.F.R. 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO ..... \$860.00
- International preliminary examination fee (37 C.F.R. 1.482) not paid to USPTO but international search fee (37 C.F.R. 1.445(a)(2)) paid to USPTO ..... \$710.00
- International preliminary examination fee paid to USPTO (37 C.F.R. 1.482) but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... \$690.00
- International preliminary examination fee paid to USPTO (37 C.F.R. 1.482) and all claims satisfied provisions of PCT Article 33(1)-(4) ..... \$100.00

**ENTER APPROPRIATE BASIC FEE AMOUNT =**

\$	0.00	
\$	0.00	

Surcharge of \$130.00 for furnishing the oath or declaration later than  20  30 months from the earliest claimed priority date (37 C.F.R. 1.492(e)).

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	
Total Claims	48	-48 =	0	X \$18.00
Independent Claims	6	-6 =	0	X \$80.00

MULTIPLE DEPENDENT CLAIMS(S) (if applicable)		\$270.00	\$	0.00
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<b>TOTAL OF ABOVE CALCULATIONS =</b>		\$	0.00
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Reduction by 1/2 for filing by small entity, if applicable. A Small Entity Statement must also be filed (Note 37 C.F.R. 1.9, 1.27, 1.28).			0.00
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<b>SUBTOTAL =</b>	\$	0.00
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Processing fee of \$130.00, for furnishing the English Translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 C.F.R. 1.492(f)).	+	0.00
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<b>TOTAL NATIONAL FEE =</b>	\$	0.00
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Fee for recording the enclosed assignment (37 C.F.R. 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 C.F.R. 3.28, 3.31). \$40.00 per property	+	\$ 40.00
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Fee for Petition to Revive Unintentionally Abandoned Application (\$1240.00 - Small Entity = \$620.00)	\$	0.00
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<b>TOTAL FEES ENCLOSED =</b>	\$	40.00
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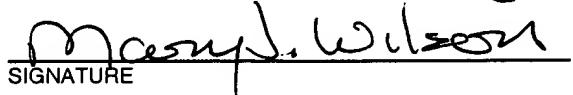
	Amount to be: refunded	\$
	Charged	\$

- a.  A check in the amount of \$40.00 to cover the above fees is enclosed.
- b.  Please charge my Deposit Account No. 14-1140 in the amount of \$\_\_\_\_\_ to cover the above fees. A duplicate copy of this form is enclosed.
- c.  The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-1140. A duplicate copy of this form is enclosed.
- d.  The entire content of the foreign application(s), referred to in this application is/are hereby incorporated by reference in this application.

**NOTE: Where an appropriate time limit under 37 C.F.R. 1.494 or 1.495 has not been met, a petition to revive (37 C.F.R. 1.137(a) or (b)) must be filed and granted to restore the application to pending status.**

**SEND ALL CORRESPONDENCE TO:**

NIXON & VANDERHYE P.C.  
1100 North Glebe Road, 8<sup>th</sup> Floor  
Arlington, Virginia 22201  
Telephone: (703) 816-4000

  
SIGNATURE

**Mary J. Wilson**  
NAME

**32,955** **November 9, 2000**  
REGISTRATION NUMBER Date

117-319  
MJW



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

Address: ASSISTANT COMMISSIONER FOR PATENTS  
Box PCT  
Washington, D.C. 20231

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/646568	HERMON	T 117-319
NIXON & VANDERHYE 1100 NORTH GLEBE ROAD 8TH FLOOR ARLINGTON, VA 22201		INTERNATIONAL APPLICATION NO.
		PCT/GB99/00849
I.A. FILING DATE		PRIORITY DATE
18 MAR 99		20 MAR 98
DATE MAILED:		19 OCT 2000

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as:  
 a Designated Office (37 CFR 1.494),  
 an Elected Office (37 CFR 1.495):  
 U.S. Basic National Fee.  
 Copy of the international application in:  
 a non-English language.  
 English.  
 Translation of the international application into English.  
 Oath or Declaration of inventors(s) for DO/EO/US.  
 Copy of Article 19 amendments.  
 Translation of Article 19 amendments into English.  
 The International Preliminary Examination Report in English and its Annexes, if any.  
 Translation of Annexes to the International Preliminary Examination Report into English.  
 Preliminary amendment(s) filed 20 Sept 00 and \_\_\_\_\_.  
 Information Disclosure Statement(s) filed \_\_\_\_\_ and \_\_\_\_\_.  
 Assignment document.  
 Power of Attorney and/or Change of Address.  
 Substitute specification filed \_\_\_\_\_.  
 Verified Statement Claiming Small Entity Status.  
 Priority Document.  
 Copy of the International Search Report  and copies of the references cited therein.  
 Other:
2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:
  - a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.  
 The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
  - b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
  - c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.  
 The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
  - d. SurchARGE for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).
3. Additional claim fees of \$ \_\_\_\_\_ as a  large entity  small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

DOCKETED  
PLT/MATTER # 117-319  
MAIL DATE 10/19/2000  
DUE DATE NOV 19, 2000  
FINAL DEADLINE April 19, 2001  
DOCKETED BY MP/115

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY  21 OR  31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.
5.  The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

***A copy of this notice MUST be returned with this response.***

Enclosed:

PCT/DO/EO/917  
 PTO-875

Notice of Defective Translation

FORM PCT/DO/EO/905 (December 1997)

Mamie P. Person

Telephone: 703-305-3737

**RULE 63 (37 C.F.R. 1.63)**  
**DECLARATION AND POWER OF ATTORNEY**  
**FOR PATENT APPLICATION**  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

I, the below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name, and I believe in the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**NOVEL POLYNUCLEOTIDES AND POLYPEPTIDES IN PATHOGENIC MYCOBACTERIA AND THEIR USE AS DIAGNOSTICS, VACCINES AND TARGETS FOR CHEMOTHERAPY**

the specification of which (check applicable box(s)):

<input type="checkbox"/> is attached hereto	<input type="checkbox"/> was filed on <u>19 June 1998</u>	as U.S. Application Serial No. <u>(To Be Assigned)</u>	(Atty Dkt. No. <u>117-260</u> )
<input checked="" type="checkbox"/> was filed as PCT international application No. <u>PCT/GB96/03221</u>		on <u>23 December 1996</u>	
and (if applicable to U.S. or PCT application) was amended on <u>22 December 1997</u>			

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 C.F.R. 1.56. I hereby claim foreign priority benefits under 35 U.S.C. 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed or, if no priority is claimed, before the filing date of this application:

Priority Foreign Application(s):

Application Number	Country	Day/Month/Year Filed
<u>9526178.0</u>	<u>Great Britain</u>	<u>21 December 1995</u>

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

Application Number	Date/Month/Year Filed
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I hereby claim the benefit under 35 U.S.C. 120/365 of all prior United States and PCT International applications listed above or below and, insofar as the subject matter of each of the claims of this application is not disclosed in such prior applications in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. 1.56 which occurred between the filing date of the prior applications and the national or PCT international filing date of this application:

Prior U.S./PCT Application(s):

Application Serial No.	Day/Month/Year Filed	Status: patented pending, abandoned
<u>PCT/GB96/03221</u>	<u>23 December 1996</u>	

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. And I hereby appoint NIXON & VANDERHYE P.C., 1100 North Glebe Rd., 8<sup>th</sup> Floor, Arlington, VA 22201-4714, telephone number (703) 818-4000 (to whom all communications are to be directed), and the following attorneys thereof (of the same address) individually and collectively my attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and with the resulting patent: Arthur R. Crawford, 25327; Larry S. Nixon, 25640; Robert A. Vanderhye, 27076; James T. Hosmer, 30184; Robert W. Faris, 31352; Richard G. Besina, 22770; Mark E. Nusbaum, 32348; Michael J. Keenan, 32106; Bryan H. Davidson, 30251; Stanley C. Spooner, 27393; Leonard C. Mitchard, 29009; Duane M. Byers, 32363; Jeffry H. Nelson, 30481; John R. Lastova, 33149; H. Warren Burnam, Jr. 29365; Thomas E. Byrme, 32205; Mary J. Wilson, 32955; J. Scott Davidson, 33489; Alan M. Kagen, 36178; William J. Griffin, 31260; Robert A. Molan, 29834; B. J. Sadoff, 36663; James D. Berquist, 34776; Updeep S. Gill, 37334.\*

1. Inventor's Signature:

*John* *Hermon-Taylor* Date: 14 July 1998  
 Inventor: John (first) MI (last) British  
(citizenship)

Residence: (city)

London (state/country) United Kingdom

Post Office Address:

St. George's Hospital Medical School, Dept. Of Surgery, Cranmer Terrace, London, United Kingdom

(Zip Code)

SW17 0RE

2. Inventor's Signature:

*Tim* *Doran* Date: 5/8/1998  
 Inventor: Tim (first) MI (last) Australian  
(citizenship)

Residence: (city)

Whillington (state/country) Australia

Post Office Address:

1/8 Oxford Street, Whillington, Australia

(Zip Code)

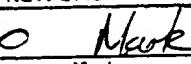
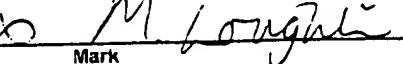
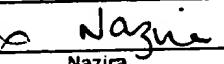
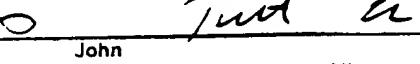
VIC 3219

FOR ADDITIONAL INVENTORS, check box  and attach sheet with same information and signature and date for each.

RULE 63 (37 C.F.R. 1.63)  
 DECLARATION AND POWER OF ATTORNEY  
 FOR PATENT APPLICATION  
 IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Nixon &amp; Vanderhye P.C. (12/95)

Page 2

3.	Inventor's Signature:			Date: <u>14/8/98</u>
	Inventor:	Douglas (first)	MI	MILLAR (last)
	Residence: (city)	North Ryde	(state/country)	Australia
	Post Office Address:	Csiro Division of Biomolecular Engineering P.O. Box 184, North Ryde, Australia		
	(Zip Code)	NSW 2113		
4.	Inventor's Signature:			Date: <u>5/8/98</u>
	Inventor:	Mark (first)	MI	TIZARD (last)
	Residence: (city)	London	(state/country)	United Kingdom
	Post Office Address:	St. George's Hospital Medical School, Dept. Of Surgery, Cranmer Terrace, London, United Kingdom		
	(Zip Code)	SW17 0RE		
5.	Inventor's Signature:			Date: <u>24.7.98</u>
	Inventor:	Mark (first)	MI	LOUGHLIN (last)
	Residence: (city)	London	(state/country)	United Kingdom
	Post Office Address:	St. George's Hospital Medical School, Dept. Of Surgery, Cranmer Terrace, London, United Kingdom		
	(Zip Code)	SW17 0RE		
6.	Inventor's Signature:			Date: <u>14<sup>th</sup> July 1998</u>
	Inventor:	Nazira (first)	MI	SUMAR (last)
	Residence: (city)	London	(state/country)	United Kingdom
	Post Office Address:	St. George's Hospital Medical School, Dept. Of Surgery, Cranmer Terrace, London, United Kingdom		
	(Zip Code)	SW17 0RE		
7.	Inventor's Signature:			Date: <u>27/7/98</u>
	Inventor:	John (first)	MI	FORD (last)
	Residence: (city)	London	(state/country)	United Kingdom
	Post Office Address:	St. George's Hospital Medical School, Dept. Of Surgery, Cranmer Terrace, London, United Kingdom		
	(Zip Code)	SW17 0RE		
8.	Inventor's Signature:			Date: _____
	Inventor:	(first)	MI	(last) _____ (citizenship) _____
	Residence: (city)	_____	(state/country)	_____
	Post Office Address:	_____	_____	_____
	(Zip Code)	_____	_____	_____
9.	Inventor's Signature:			Date: _____
	Inventor:	(first)	MI	(last) _____ (citizenship) _____
	Residence: (city)	_____	(state/country)	_____
	Post Office Address:	_____	_____	_____
	(Zip Code)	_____	_____	_____
10.	Inventor's Signature:			Date: _____
	Inventor:	(first)	MI	(last) _____ (citizenship) _____
	Residence: (city)	_____	(state/country)	_____
	Post Office Address:	_____	_____	_____
	(Zip Code)	_____	_____	_____
11.	Inventor's Signature:			Date: _____
	Inventor:	(first)	MI	(last) _____ (citizenship) _____
	Residence: (city)	_____	(state/country)	_____
	Post Office Address:	_____	_____	_____
	(Zip Code)	_____	_____	_____